

Notice of Allowability

Application No.

10/035,768

Examiner

Rabon Sergent

Applicant(s)

TANAKA ET AL.

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to telephonic interview of December 9, 2004.
2. ☒ The allowed claim(s) is/are 13-20.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

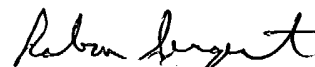
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 120904.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


RABON SERGENT
PRIMARY EXAMINER

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Daniel Christenbury on December 9, 2004.

The claims have been amended as follows:

Claims 1-12 (Cancelled)

13. (Currently Amended) A polyethercarbonate diol comprising a reaction product of a carbonate compound with a polyether diol having

- (1) structural units (a) represented by formula (I) and further having
- (2) structural units (b) represented by formula (II) or structural units (c) represented by formula (III) or (3) structural units (b) represented by formula (II) and structural units (c) represented by formula (III),

units (a): $-(\text{CH}_2)_6\text{-O-}$ (I)

units (b): $-(\text{CH}_2)_2\text{-O-}$ (II)

units (c): $-\text{CH}_2\text{CH}(\text{CH}_3)\text{-O-}$ (III)

the units (b) being present in an average number (n) of moles of 0 to 5 per mole of the units (a), the units (c) being present in an average number (m) of moles of 0 to 5 per mole of the units (a), and the total average number (n + m) of moles of the units (b) and (c) being more than 1 but not more than 5, per mole of the units (a).

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14. (Previously Presented) The polyethercarbonate diol as claimed in claim 13, wherein the polyether diol is selected from addition-reaction products of 1,6-hexanediol with at least one member selected from the group consisting of ethylene oxide and propylene oxide.
15. (Previously Presented) The polyethercarbonate diol as claimed in claim 13 or 14, wherein the polyether diol has a number average molecular weight of from 150 to 450.
16. (Previously Presented) The polyethercarbonate diol as claimed in claim 13 or 14, having a number average molecular weight of 500 to 5,000.
17. (Previously Presented) The polyethercarbonate diol as claimed in claim 13, selected from reaction products of carbonate compounds with polyether diols comprising the structural units (a) and (b), wherein the average number (n) of moles of the units (b) is more than 1 but not more than 5 per mole of the units (a).
18. (Previously Presented) The polyethercarbonate diol as claimed in Claim 17, wherein the polyether diol has a number average molecular weight of from 150 to 450.
19. (Previously Presented) The polyethercarbonate diol as claimed in claim 17 or 18, having a number average molecular weight of 500 to 5,000.
20. (Previously Presented) The polyethercarbonate diol as claimed in claim 15, having a number average molecular weight of 500 to 5,000.

Any inquiry concerning this communication should be directed to R. Sergent at telephone number (571) 272-1079.

R. Sergent
December 9, 2004


RABON SERGENT
PRIMARY EXAMINER

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The following is an examiner's statement of reasons for allowance: The instant invention is deemed to be allowable over the prior art of record, because the prior art fails to disclose or render *prima facie* obvious a polyethercarbonate diol having the claimed structural units at the claimed ratios.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication should be directed to R. Sergent at telephone number (571) 272-1079.

R. Sergent
December 9, 2004


RABON SERGENT
PRIMARY EXAMINER